

**Enrolled Minutes of the Thirty-Seventh Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, May 13, 2013**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 13, 2013 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed informally the necessity of a bond sale to resurface streets within the boundaries of the corporation.

The study session ended at 6:55 O'clock p.m.

Regular meeting. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 13, 2013 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Brian J. Novak, presided and the Town Deputy Clerk-Treasurer, Katy Dowling, was present to memorialize the proceedings. The meeting was opened with Councilor Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

Minutes of the Previous Meetings:

The minutes of the regular meetings of April 8 and April 22, 2013 were approved as filed.

Special Orders:

1. **Public Hearing:** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 3200 Block of Condit Street to be known as the Condit Street Reconstruction Project financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2013-13)
 - (a) The Town Attorney verified that the proofs were in compliance with IC 5-3-1; IC 36-9-17 in the Times on 29 April 2013.
 - (b) **Public Hearing:** the Town Council President called the hearing to order. Hearing no comment from the floor, the hearing was closed.
 - (c) Action on **Works Board Order No. 2013-26:** An order confirming the special Municipal General Improvement Fund special assessment rolls for proper owners benefitting from the Condit Street Reconstruction Project. The waived repayment would be over a time period of 4 years at an interest rate of 7.5%.

Under discussion, Councilor Herak inquired if the assessments had been reviewed with the property owners. The Public Works Director indicated that the assessments had been reviewed prior to their mailing and that he had responded to all inquiries from those affected by the special assessment.

Councilor Vassar moved for the passage and adoption of Works Board Order No. 2013-26. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was approved.

**TOWN OF HIGHLAND
WORKS BOARD ORDER NO. 2013-26**

A RESOLUTION CONFIRMING THE SPECIAL MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3200 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT

WHEREAS, on April 22, 2013, the Town Council of the Town of Highland, Indiana, adopted Order of the Works Board No. 2013-24 entitled "**A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3200 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT**", a copy is attached hereto as Exhibit "A"; and

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2013-24; and

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2010-24.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board as follows:

Section 1. That the Town Council hereby confirms Works Board Order No. 2013-24;

Section 2. That the Town Council hereby sustains the presumptive assessments as indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements (as defined in Works Board No. 2013-18 and confirmed in Works Board Order No. 2013-23);

Section 3. The Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. The Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of 4 years, with interest accruing on such unpaid portions at an interest rate of 7.5% per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "B", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Administration of Oath of Office** for Police Officer Candidate **Darren Conley** and Police Officer Candidate **Frank Peckler**. Police Officer Candidates Conley and Peckler were appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 11 April 2013 with the appointment to be effected 05 May 2013, but not earlier than approval.

- (a) Action by Town Council determining that Candidates Conley and Peckler meet the qualifications for such position, as determined by the Town Board of Metropolitan Police Commissioners.

Councilor Kuiper made a motion determining that Candidates Conley and Peckler meet the qualifications for the position of Police Officer. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

- (b) The Deputy Clerk-Treasurer administered the Oath for both candidates.
- (c) The Metropolitan Police Chief presented badges to each of the officers. At this time, both officers gave a brief description of their personal and professional background.

3. **Executive Proclamation:** A Proclamation in Recognition of May 12, 2013 as Fibromyalgia Awareness Day in the Town of Highland. The Deputy Clerk-Treasurer read the proclamation, which the Town Council President adopted with his signature.

**TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE**

A PROCLAMATION IN RECOGNITION OF MAY 12, 2013 AS FIBROMYALGIA AWARENESS DAY

WHEREAS, An estimated 10 million people in the United States and millions of people worldwide have been diagnosed with fibromyalgia, a disease for which there is no known cause or cure; and

WHEREAS, It often takes an average of five years to receive a diagnosis of fibromyalgia, and medical professionals frequently are inadequately educated on the diagnosis and treatment of fibromyalgia; and

WHEREAS, Fibromyalgia is a chronic pain disorder—becoming an increasingly common diagnosis and taking a toll emotionally, financially and socially on patients, their family, friends, co-workers and community; and

WHEREAS Fibromyalgia is life-altering, preventing patients from contributing to society at the level they once did because of a myriad of symptoms that can come and go unpredictably and vary in severity; and

WHEREAS, People with fibromyalgia are never completely symptom-free; they are always in pain; this pain impacts every area of their life and others must step up to fill in the voids left when all the patients' efforts are focused on just getting through the day, showing just how much fibromyalgia truly hurts everyone; and

WHEREAS, The chronically ill place a larger burden on the health care and insurance industries and businesses that must cover the costly expenses associated with their treatment, medications and sometimes hospitalizations; and

WHEREAS, Society as a whole is also impacted when patients are physically unable to work and must depend on government assistance to survive; and

WHEREAS, Increased awareness and expanded knowledge of the realities of life with fibromyalgia will allow the community at large to better support patients and their family, friends, co-workers and employers who struggle with the challenges of this chronic pain disorder; and

WHEREAS, Fibromites Unite, the National Fibromyalgia & Chronic Pain Association, the Fibromyalgia Network, and other groups around our country have joined to promote fibromyalgia awareness and support - including improved education, diagnosis, research, and treatment,

Now, Therefore, I, Brian J. Novak, by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim May 12, 2013, as **Fibromyalgia Awareness Day** in the Town of Highland;

Be it Further Proclaimed, That the citizens of Highland are hereby encouraged to support the search for a cure and assist those individuals and families who deal with this devastating disorder on a daily basis.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 13th day of May in the year, 2013.

**TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT**

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

4. Executive Proclamation: A Proclamation in Recognition of May 12, 2013 through May 18, 2013 as National Nursing Home Week in the Town of Highland. The Deputy Clerk-Treasurer read the proclamation, which the Town Council President adopted with his signature.

**TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE**

A PROCLAMATION IN RECOGNITION OF MAY 12 THROUGH MAY 18, 2013 AS NURSING HOME WEEK IN HIGHLAND

Whereas, All the citizens are affected by our Nation's rising demand for quality long-term services; and,

Whereas, We salute our community's citizens now residing in nursing home facilities, many of whom planted the seeds that made our community grow and prosper; and

Whereas, Nursing facilities provide care and supportive services that make quality of life possible for our loved ones; and,

Whereas, Member facilities of the American Health Care Association and Indiana Health Care Association are providing a host of activities in celebration of National Nursing Home Week beginning Mothers' Day, May 12

to May 18, 2013 using the National theme *Team Care: Everybody Pitches In*, and the Highland Theme of *"Working Together for a Better Tomorrow;"*

Now, Therefore, I, Brian J. Novak, by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the period of May 12th through May 18th 2013, as ***Nursing Home Week*** in the Town of Highland;

Be it Still Further Proclaimed, That the citizens of Highland are hereby encouraged to honor and serve the individuals who laid the foundation of Highland by participating in this year's National Nursing Home Week observance at the Highland Nursing and Rehabilitation Center, 9630 Fifth Street, Highland.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 13th day of May in the year, 2013.

TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

Brian J. Novak

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

Staff Reports:

• Workplace Safety Report for April 2013

There were two incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2013	Total in 2012	Restricted Days 2013	Lost Workdays This Year	Restricted Days Last Year (2012)	Lost Workdays Last Year (2012)
Parks	1	2	0	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	2	10	0	0	0	0
Street	0	1	7	0	0	0	0
Water & Sewer	0	0	4	0	0	2	0
Maint.	0	0	1	0	0	0	0
Other	1	2	0	0	0	0	0
TOTALS	2	7	22	0	0	2	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

No appointment matters were taken up at the May 13, 2013 meeting of the Town Council.

Unfinished Business and General Orders:

- 1. Proposed Ordinance No. 1537:** An Ordinance to Amend Title Nine of the Highland Municipal Code, in order to re-establish Petty Cash Funds for the Fire and Metropolitan Police Departments of the Town of Highland, all Pursuant to IC 36-1-8 and IC 36-1-3 et seq.

Councilor Zemen introduced and moved for the consideration of Proposed Ordinance No. 1537 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak inquired about a perceived dislike of petty cash funds by the State Board of Accounts. The Deputy Clerk-Treasurer indicated that she was unaware of any

issues with petty cash funds provided the fund is properly established and the rules governing their administration are followed. The Deputy Clerk-Treasurer further noted that this ordinance is necessary to correct an omission by Municipal Code during the Town's recent codification process.

Councilor Zemen moved for the passage and adoption of Proposed Ordinance No. 1537 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

**ORDINANCE NO. 1537
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND TITLE NINE OF THE HIGHLAND MUNICIPAL CODE, IN ORDER TO RE-ESTABLISH PETTY CASH FUNDS FOR THE FIRE AND THE METROPOLITAN POLICE DEPARTMENTS of the TOWN OF HIGHLAND, ALL PURSUANT TO IC 36-1-8 AND IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-2 authorizes the fiscal body of a political subdivision to permit any of its officers or employees having a duty to collect cash revenues to establish a cash change fund;

WHEREAS, IC 36-1-8-3 (a) authorizes the fiscal body of a political subdivision to establish a petty cash fund for any of its offices in a like manner to the prescribed under IC 36-1-8-2;

WHEREAS, The Town Clerk-Treasurer has advised the Town Council of the desirability of re-establishing certain petty cash funds;

WHEREAS, The Town Council has determined that it would be of public benefit to establish additional cash change and petty cash funds or to amend existing ones to support and carryout the public purposes of the municipality and its utilities; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the following sections of the Highland Municipal Code in order to further perfect the operation of the Town and its utilities;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be hereby amended by the addition of a new section to be numbered 9.05.100 which shall read as follows:

9.05.100 Fire Department Petty Cash Fund.

- (A) There is hereby authorized, created and established a petty cash fund for use by the Fire Department to be known as Fire Department Petty Cash Fund, pursuant to the provisions of IC 36-1-8 et seq.;
- (B) That the Fire Chief and such employees as he may designate, are permitted to use it to pay small, emergency or exigent items of operating expense, according to guidelines that the municipal fiscal officer may establish, in order to support the duties outlined in and to carry-out the purposes of this chapter:
 - (1) That the Fire Chief is permitted to establish a petty cash fund pursuant to this section;
 - (2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Fire Chief, who is the custodian of the fund;
 - (3) That each expenditure from the petty cash change fund shall be supported by a receipt;
 - (4) That the Fire Chief, as custodian of the fund, or his designee, shall periodically file a voucher, with all original receipts totaling the cash claimed expended being attached to it, in support of the reimbursement of expenditures from the fund;
 - (5) Reimbursement must be approved and allowed at any regular or special meeting of the Town Council and made in the same manner as is required for other expenditures of the Fire Department.

- (C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Corporation General Fund, as the Town Council may direct, in the amount of One Hundred dollars (\$100), in support of the establishment of such a petty cash fund:
 - (1) That the establishing warrant and such successive warrants as shall be necessary to re-supply the fund, shall be drawn in favor of the Fire Chief who shall convert the warrant to cash;
 - (2) That the Fire Chief shall account for it in the same manner as is required of other funds of the town;
- (D) That the entire petty cash fund authorized and established pursuant to this section of the code shall be returned to the Corporation General Fund whenever there is a change in the custodian of the fund or whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 2. That the Highland Municipal Code be hereby amended by the addition of a new section to be numbered 9.05.075 which shall read as follows:

9.05.075 Metropolitan Police Department Petty Cash Fund.

- (A) There is hereby authorized, created and established a petty cash fund for use by the Metropolitan Police Department to be known as Metropolitan Police Department Petty Cash Fund, pursuant to the provisions of IC 36-1-8 et seq.;
- (B) That the Metropolitan Police Chief and such employees as he may designate, are permitted to use it to pay small, emergency or exigent items of operating expense, according to guidelines that the municipal fiscal officer may establish, in order to support the duties outlined in and to carry-out the purposes of this chapter:
 - (1) That the Metropolitan Police Chief is permitted to establish a petty change fund pursuant to this section;
 - (2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Metropolitan Police Chief, who is the custodian of the fund;
 - (3) That each expenditure from the petty cash change fund shall be supported by a receipt;
 - (4) That the Metropolitan Police Chief, as custodian of the fund, or his designee, shall periodically file a voucher, with all original receipts totaling the cash claimed expended being attached to it, in support of the reimbursement of expenditures from the fund;
 - (5) Reimbursement must be approved and allowed at any regular or special meeting of the Town Council and made in the same manner as is required for other expenditures of the Metropolitan Police Department.
- (C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Corporation General Fund, as the Town Council may direct, in the amount of one hundred twenty dollars (\$120), in support of the establishment of such a petty change fund:
 - (1) That the establishing warrant and such successive warrants as shall be necessary to re-supply the fund, shall be drawn in favor of the Metropolitan Police Chief who shall convert the warrant to cash;
 - (2) That the Metropolitan Police Chief shall account for it in the same manner as is required of other funds of the town;
- (D) That the entire petty cash fund authorized and established pursuant to this section of the code shall be returned to the Corporation General Fund whenever there is a change in the custodian of the fund or whenever the purposes of the fund have substantially changed or the fund is no longer needed;

Section 3. That any and all such funds described in and re-established by this ordinance that may have been in place and operated as established petty cash funds prior to the adoption of this ordinance made lawful by the adoption of this ordinance shall be deemed to have been lawful as if this ordinance had been in full force and effect previously. The re-establishment does not require any further action in order to implement the re-establishment.

Section 4. Whereas an emergency exists for the immediate taking effect of this ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a);

Introduced and Filed on the 13th day of May 2013. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of May 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling
Deputy Clerk-Treasurer (IC 36-5-6-5)

2. **Works Board Order No. 2013-25:** An Order of the Works Board Accepting the Proposal of Mad Bomber Fire Works Productions for Professional Pyrotechnics and Fireworks Display Services for the Town of Highland, Associated with Independence Day and New Year's Eve Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq. Councilor Herak moved the passage and adoption of Works Board Order No. 2013-25. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was approved.

**Town of Highland
Board of Works
Order of the Works Board 2013-25**

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF MAD BOMBER FIRE WORKS PRODUCTIONS FOR PROFESSIONAL PYROTECHNICS AND FIREWORKS DISPLAYS SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY AND NEW YEAR'S EVE FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

WHEREAS, THE TOWN OF HIGHLAND, AS PART OF ITS EXERCISE OF PUBLIC POWERS RELATED TO CULTURE AND RECREATION, GENERALLY CONFERRED IN IC 36-10-2, ANNUALLY MARKS THE ANNIVERSARY OF THE NATION'S DECLARATION OF INDEPENDENCE, AND THE SPECIAL PERIOD OF NEW YEAR'S EVE, WITH APPROPRIATE FESTIVALS AND FIREWORKS AND PYROTECHNICS DISPLAYS;

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

WHEREAS, THE *MAD BOMBER FIREWORKS PRODUCTIONS* OF KINGSBURY INDIANA HAS PRESENTED TO THE COMMUNITY EVENTS COMMISSION A PROPOSED AGREEMENT FOR PROFESSIONAL PYROTECHNIC AND FIRE WORKS DISPLAY SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED ON INDEPENDENCE DAY AND NEW YEAR'S EVE;

WHEREAS, THE COMMUNITY EVENTS COMMISSION FAVORABLY RECOMMENDS TO THE PURCHASING AGENCY, THE APPROVAL OF THE PROPOSED AGREEMENT FOR PROFESSIONAL PYROTECHNIC AND FIRE WORKS DISPLAY SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED ON INDEPENDENCE DAY AND NEW YEAR'S EVE *MAD BOMBER FIREWORKS PRODUCTIONS* OF KINGSBURY INDIANA;

WHEREAS, THESE PROFESSIONAL SERVICES OWING TO THEIR UNIQUE REQUIREMENTS AND CHARACTER, AS A SERVICE, MAY BE PURCHASED IN A MANNER THAT IS DETERMINED TO BE REASONABLE, PURSUANT TO SECTION 3.05.090 OF THE HMC AND IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$10,000.00 and *involves a commitment for more than one year*, pursuant to Section 3.05.040 (C) of the HMC requires the express approval of the purchasing agency; and; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal for pyrotechnic and fireworks display services of **Mad Bomber Fireworks Productions**, P.O Box 418, Kingsbury, Indiana, 46345, prepared and presented by its Event Coordinator, Randy McCasland, which includes presentation of a Fireworks Display in the Evenings of July 4th, and December 31, for 2011, 2012 and 2013, according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect, provided that **Mad Bomber Fireworks Productions** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of \$21,500 for the fireworks display to be conducted on July 4th, and \$5,000 for the fireworks display to be conducted on December 31 in each year, for a total of \$26,500 is found to be reasonable and fair for the services and frequencies described;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, is both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Mad Bomber Fireworks Productions** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the several funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

3. **Works Board Order No. 2013-27:** An Order of the Works Board Accepting the Bid of Rex Construction Company, Incorporated for the 3200 block of Condit Street Reconstruction Project Being the Lowest Responsive and Responsible Bid in the amount of Two Hundred Sixty-Three Thousand Three Hundred Eight-Eight Dollars and 38 / 100 Cents (\$263,388.38)

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2013-27. Councilor Vassar seconded.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2013-27**

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF REX CONSTRUCTION COMPANY, INCORPORATED FOR THE 3200 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF TWO HUNDRED SIXTY-THREE THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS AND 38/100 CENTS (\$263,388.38)

Whereas, The Town Council for the Town of Highland determined that a need exists to improve the 3200 blocks of Condit Street; and

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the 3200 blocks of Condit Street and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, The following bids were received at 10:00 a.m. on April 30, 2013:

	Bidder	Base Bid
1.	Rex Construction Co., Inc.	\$263,388.38
2.	deBoer Egolf Corporation	\$276,921.30
3.	Walsh & Kelly, Inc.	\$277,887.65
4.	Rieth-Riley Construction, Inc..	\$304,154.40
5.	Olthoff, Inc.	\$317,492.79
6.	Gariup Construction	\$363,700.00

Whereas, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Rex Construction Company, Incorporated in the amount of Two Hundred Sixty-three Thousand Three Hundred Eighty-eight Dollars and 38/100 Cents (\$263,388.38) to be the lowest responsive and responsible bid.

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a construction contract to Rex Construction Company, Incorporated for the 3200 block of Condit Street Reconstruction Project.

Now, Therefore, Be It Ordered by by the Town Council of the Town of Highland, Indiana, acting as the Works Board as follows:

Section 1. That the bid of Rex Construction Company, Incorporated for the 3200 block of Condit Street Reconstruction Project in the amount of Two Hundred Sixty-three Thousand Three Hundred Eighty-eight Dollars and 38/100 Cents (\$263,388.38) is hereby accepted as the lowest responsive and responsible bid, pursuant to IC 36-1-12 *et seq.*, and Chapter 3.15 of the Highland Municipal Code;

Section 2. That the contract for public works is subject to the verification of work status provisions of IC 22-5-1.7, including the inclusion or addendum of the necessary language provided in IC 22-5-1.7-11 and the filing of the appropriate affidavit;

Section 3. That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

4. **Works Board Order No. 2013-28:** An Order of the Works Board Approving and Authorizing an agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the Condit Reconstruction Project in the amount not-to-exceed \$18,525.

Councilor Vassar made a motion to approve Works Board Order No. 2013-28. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING ENGINEERS AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE CONDIT RECONSTRUCTION PROJECT IN THE AMOUNT NOT-TO-EXCEED \$18,525

Whereas, The Town Council has heretofore determined that a need exists to reconstruct the 3200 block of Condit Street and has implemented the Condit Street Reconstruction Project; and

Whereas, Garcia Consulting Engineers (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed Eighteen Thousand Five Hundred Twenty-five Dollars and 00/100 cents (\$18,525.00); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland for the Condit Street Reconstruction Project, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Eighteen Thousand Five Hundred Twenty-five Dollars and 00/100 cents (\$18,525.00) is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the contract for professional engineering services is subject to the verification of work status provisions of IC 22-5-1.7, including the inclusion or addendum of the necessary language provided in IC 22-5-1.7-11 and the filing of the appropriate affidavit;

Section 5. That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

- 5. Works Board Order No. 2013-29:** An Order Approving and Selecting The Skillman Corporation to Perform Construction to Perform Construction Management Services based upon its proposal of April 12, 2013 for Proposed Construction of a Public Safety Facility and Municipal Building for the Town of Highland

Councilor Zemen moved for approval of Works Board Order No. 2013-29. Councilor Herak seconded. Upon a roll call vote, Councilors Zemen, Herak, Vassar and Novak voted in the affirmative and Councilor Kuiper dissented. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2013-29

AN ORDER APPROVING AND SELECTING THE SKILLMAN CORPORATION TO PERFORM CONSTRUCTION MANAGEMENT SERVICES BASED UPON ITS PROPOSAL OF APRIL 12, 2013 FOR PROPOSED CONSTRUCTION OF A PUBLIC SAFETY FACILITY AND MUNICIPAL BUILDING FOR THE TOWN OF HIGHLAND.

Whereas, The Town Council has heretofore determined that a need exists to construct a new Public Safety Facility and to construct or reconstruct the municipal building hosting administrative offices and other executive departments; and

Whereas, Skillman Corporation (Consultant) has offered and presented proposal to provide and furnish professional construction management services during construction and that should the proposed projects move toward actual construction, the provision and furnishing of these services should then be in consideration for fees set forth in a successor proposal following determination of the complete scope of work;

Whereas, The Town of Highland, through its Town Council now desires to select the Skillman Corporation as projects Construction Manager to accept and approve the proposal for services as herein described.

Now Therefore Be it Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Skillman Corporation be hereby selected as the Construction Manager to provide professional construction management services for the projects related to the proposed construction of a public safety facility and the construction or reconstruction of the municipal building hosting administrative offices and other executive departments;

Section 2. That the terms set forth under the letter proposal dated April 12, 2013, for Skillman Corporation to provide and furnish professional construction management services during proposed construction of a public safety facility and the construction or reconstruction of the municipal building hosting administrative offices and other executive departments are hereby approved;

Section 3. That should the proposed projects move toward actual construction, The Skillman Corporation will provide a successor proposal for the provision and furnishing of construction management services in consideration for fees, following determination of the complete scope of work, for the review and favor of the Town of Highland;

Section 3. That the Town of Highland, through its Town Council, believes that *The Skillman Corporation* has demonstrated professional competence and qualifications to perform the particular professional construction management services associated with the proposal and that The Skillman Corporation has not provided nor will it provide architectural or engineering design services on the proposed construction projects, pursuant to I.C. 5-16-10-2;

Section 4. That the proposal for professional construction management services is subject to the verification of work status provisions of IC 22-5-1.7, including the inclusion or addendum of the necessary language provided in IC 22-5-1.7-11 and the filing of the appropriate affidavit;

Section 5. That the President of the Town Council be authorized to evidence acceptance of the letter proposal as presented by The Skillman Corporation, with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2013 having passed by a vote of 4 in favor and 1 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

6. **Proposed Enactment 2013-17:** An Enactment to Approve Overtime Payments for Exempt Salaried Personnel as set forth in Section 3 of the Wage and Salary Ordinance, Waiving Section 2.01 of the Compensation and Benefits Ordinance, and Suspending section 10 (e)(3) and (4) of the Salary Ordinance in order to authorize a Particular Pay rate, for the Commander of the Criminal Investigations Division.

Councilor Kuiper introduced and moved for the consideration of Proposed Enactment No. 2013-17 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak asked if this Enactment was a result of work at Highland Grove Mall. The Deputy Clerk-Treasurer indicated that it was not. The Police Chief stated that this Enactment was the result of overtime worked in the Uniform Patrol Division.

Councilor Vassar moved for the passage and adoption of Proposed Enactment No. 2013-17 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, Councilors Zemen, Vassar, Kuiper and Novak voted in the affirmative and Councilor Herak dissented. The motion passed. The enactment was adopted at the same meeting of introduction.

Town of Highland
ENACTMENT NO. 2013-17

AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED PERSONNEL AS SET FORTH IN SECTION 3 of the WAGE AND SALARY ORDINANCE, WAIVING SECTION 2.01 of the COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (E) (3) and (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

WHEREAS, The current wage and salary ordinance provides for no particular rate for overtime worked for this, except as may be experienced under the terms of Section § 4.03.02 of the Compensation and Benefits Ordinance, which reads: *"Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;*

WHEREAS, Absent action by the Town Council, the current language governing such pay for such an assigned detail, when worked by exempt salaried persons, is silent, and there is no guidance about what schedule or work cycle exempt salaried employees are subject to, since overtime pay is not regularly payable to exempt salaried employees;

WHEREAS, The provisions of Enactment No. 2012-18, authorizing an extended waiver of certain provisions of Section 10 of the Wage and Salary Ordinance as well as Sections § 04.03.01 and 2.01 of the Compensation and Benefits Ordinance have expired;

WHEREAS, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.5 times the exempt salaried officer's base pay plus longevity; and,

WHEREAS, The Town Council now desires to act to permit the pay as recommended,

NOW, THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the provisions of Section 10 (e) (3) of the Wage and Salary Ordinance as amended, particularly reading, *"Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignment will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant"*, shall be temporarily suspended and modified to permit an exempt salaried worker to be paid at an overtime rate at 1.5 times the assigned officer's composite (Commander) rate for work NOT supported by a grant and for which a non-exempt officer would usually be assigned;

Section 2. That the provisions of Section 10 (e) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall be temporarily suspended and waived for the purpose of permitting **R. Potesta, CID Commander**, to be paid at the hourly rate of **\$46.89** for the eight (8) hours worked in uniform patrol duty in the month of April 2013, which is 1.5 times the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing patrol duties, for a total amount of **\$281.34**;

Section 3. That under the terms of Section § 04.03.01 of the Compensation and Benefits Ordinance, which provides that *"exempt salaried employees will not receive overtime pay or compensatory time off, unless specifically authorized by the Town Council..."*, and Section § 2.01 which identifies the position of Commander in the Police Department as an Exempt position under the terms of the FLSA, thereby not eligible for overtime payments, the adoption of this enactment shall be approval of overtime pay for the exempt salaried employee herein identified;

Section 4. That the forgoing action is limited to the instance herein described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect, nor shall this approval and waiver be seen as predictive of any further authorizations or approval of such pay;

Section 5. That the Clerk-Treasurer shall have authority to implement within a reasonable time these provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance, if any, and the date of its passage and adoption.

Introduced and Filed on the 13th day of May 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th day of May 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

7. **Resolution No. 2013-16:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Metropolitan Police Department of the Corporation General Fund as requested by the Proper Officer and Forward to the Town Council for its action Pursuant to IC 6-1.1-18-6.

Councilor Kuiper made a motion to approve Resolution No. 2013-16. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2013-16**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account	#111.25 Animal Warden Wages	\$2,000.00
	<i>Total 100 Series Decreases</i>	\$2,000.00
Increase Account:	#230.04 Other Supplies	\$2,000.00
	<i>Total 200 Series Increases</i>	\$2,000.00
Total of All Fund Decreases:		\$2,000.00
Total of All Fund Increases:		\$2,000.00

DULY RESOLVED and ADOPTED this 13th Day of May 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Kathleen A. Dowling, IAMC/CMC/ CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

8. Action to reschedule the plenary business meeting of the Town Council from Memorial Day to Tuesday, May 28, 2013 and to cancel the regular plenary meeting of Monday, June 10, 2013.

Councilor Zemen made a motion to reschedule the plenary business meeting of the Town Council from Memorial Day to Tuesday, May 28, 2013 and to cancel the regular plenary meeting of Monday, June 10, 2013. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

9. Authorization for the proper officer to publish a notice of a public hearing on proposed additional appropriations in the Gaming Revenue Sharing Fund in the amount of \$217,059 and in the General Improvement Fund in the amount of \$20,367, in excess of the FY 2013 Budget for expenses associated with the Condit Street Reconstruction Project.

Councilor Herak made a motion to authorize the proper officer to publish the notices of a public hearing that will take place on Tuesday, May 28, 2013 in the Gaming Revenue Sharing Fund in the amount of \$217,059 and in the General Improvement Fund in the amount of \$20,367. Councilor Zemen seconded.

Councilor Herak asked if the Gaming Revenue Sharing Fund was a controlled or non-controlled fund. The Deputy Clerk-Treasurer indicated that it is a non-controlled fund.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

10. Action to approve appointment or employment of a full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. The Public Works Director recommends the favorable action on the hire of Joshua Casner to the Public Works Department.

Councilor Kuiper made a motion to approve the employment of Joshua Casner as a full-time employee in the Department of Public Works. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

11. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1511, the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives provisions of Section §2.01 of the Compensation and Benefits Ordinance.

The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200.00 for work associated with Highland Grove Mall Security.

Councilor Kuiper made a motion to approve the overtime payments for exempt salaried employee, R. Potesta. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

12. Action of the Town Council noting the Conflict of Interest Disclosure Statement filed by Councilor Bernie Zemen, who is a member of the Highland Town Council and will be performing photography for the Highland Metropolitan Police Department under the aegis of Timeless Images Photography, a wholly owned enterprise of Mr. Zemen's. This filing is pursuant to IC 35-44.1-1-4(d).

Councilor Herak made a motion to accept the filing of the Conflict of Interest Disclosure form presented by Bernie Zemen. Councilor Vassar seconded. Upon a roll call vote, Councilors Herak, Vassar, Kuiper and Novak voted in the affirmative and Councilor Zemen abstained. The motion passed.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen asked that all departments provide him with town-related information to be used in conjunction with his radio show.

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Public Works Director to brief the Town Council about paving projects and the necessity of a bond to finance said projects. The Public Works Director also noted that Kennedy Avenue south of Highway should not be resurfaced until replacement of the water mains and lines has taken place.

Councilor Herak recognized the Parks and Recreation Superintendent who briefed the Town Council on the paving that has taken place at Sharp Athletic Complex and the paving program for the remainder of the year.

Councilor Herak inquired with the Building Commissioner about grass height enforcement. The Building Commissioner indicated that Code Enforcement has issued citations in accordance with local ordinance. Councilor Novak asked that the Public Works facility receive preventative treatment for weeds on all grassy areas on their property. A conversation ensued between and among the Town Council and the Public Works Director with regard to the ways and means by which the town could compel a property owner to properly maintain the parkway.

- **Councilor Dan Vassar:** *• Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered that 200 trees are have been planted on North Indianapolis Boulevard. The Director also indicated that the new redevelopment façade improvement brochures are ready and have been distributed.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper asked Councilor Zemen to mention the Memorial Day Service on his radio show. Councilor Kuiper also indicated his satisfaction with the Police Memorial Service at Main Square Park.

- **Council President Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

Councilor Novak reviewed a development matter near the intersection of Route 41 and Main Street that is currently before the Traffic Safety Commission. Councilor Novak also recognized Town Attorney Tauber for his recent barrister award.

Comments from Visitors or Residents:

There was no public comment offered.

Payment of Accounts Payable Vouchers and Approval of Payroll Dockets. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 23, 2013 through May 13, 2013 and approval of the payroll dockets from payday April 19, 2013. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Deputy Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$175,393.01; Motor Vehicle Highway and Street (MVH) Fund, \$19,713.13; Law Enforcement Continuing Education, Training and Supply Fund,

\$1,472.16; **FSA Agency Fund**, \$1,178.82; **Insurance Fund**, \$142,831.87; **Gasoline Fund**, \$1,432.00; **Information and Communications Technology Fund**, \$4,412.83; **Donation Fund**, \$189.00; **Special Events Fund**, \$306.00; **Rainy Day Fund**, \$132,281.36; **Municipal Cumulative Capital Development Fund**, \$11,064.93; **General Improvement Fund**, \$53.00; **Traffic Violations and Law Enforcement Agency Fund**, \$7,532.00; **Safe Neighborhoods Grant Fund**, \$9,028.82; **Payroll Fund**, \$2.24. **Total: \$506,891.17.**

Payroll Dockets:

Payroll Docket for payday of April 19, 2013 - Total of \$255,859.14

- Council, Boards and Commissions - \$8,399.00
- Office of the Clerk-Treasurer - \$12,786.64
- Building & Inspection Dept. - \$7,978.52
- Metropolitan Police Department - \$90,242.22
- Fire Department - \$18,713.76
- Public Works Department - \$55,483.51
- Police 1925 Pensions - \$62,255.49

Adjournment. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, May 13, 2013 was adjourned at 7:47 O'clock p.m. No study session followed the plenary meeting.

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer